

REMARKS/ARGUMENTS

The amendment is in response to the Office action dated October 1, 2008. Claim 102 has been amended. Claims 66, 70 and 97-103 are pending in this application.

Claim Rejections - 35 USC § 103

On page 2 of the action, Claims 66, 70 are rejected as understood under 35 U.S.C. 103(a) as being unpatentable over Contreras (4,015,630) in view of Schuler (5,685,297) and in further view of Dey (3,426,790) and further in view of Hershman (2,725,072). Applicant respectfully traverses these rejections.

On page 5 of the action, the action indicates that the applicant is arguing that the Hershman reference would not function as indicated. The applicant in the Remarks dated 9/8/08 on page 11, line 14 to page 12, line 2 indicate that the cover member would be biased to the closed position when the coupling element is removed. The applicant then indicates that this is not how the device of Hershman would function that the cover member in fact would not revert back to its intended closed position as stated.

However, it appears that there is a misunderstanding. The remarks on page 11, line 14 to page 12, line 2 state that "Hershman at most describes that when the coupling element 20 which is adapted to be connected to the end portion 21 of a conduit 22 leading to a fluid pressure-operated implement is removed that covers 28 assume their closed positions."

Thus, Hershman's coupling element 20 with covers 38 biases closed when a fluid pressure operated instrument is removed. However, the coupling element 20 always remains connected to a source of fluid pressure such as a pump (not shown) carried by the tractor. (See col. 2, lines 39-45).

In contrast, Claim 66 provides that limitations of "when the valve is attached to a source of compressed gas" and "when the valve is disconnected from a source of compressed gas". These limitations are not described or suggested by Hershman.

Hence, Hershman does not describe "a moveable cover member is adapted to automatically move from the second position to the first position when the valve is disconnected from a source of compressed gas" as provided in claim 66, as the source of fluid pressure of Hershman always remains connected. Thus, the cited references or the combination thereof do not teach or suggest the claimed invention and as such one skilled in the art would not modify or be motivated to modify the cited references to arrive at the claimed invention. For at least these reasons, claim 66 is not obvious over Contreras, Schuler, Dey and Hershman. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Since claim 70 depends from claim 66 and contains additional limitations that are patentably distinguishable over the references of record, claim 70 is also believed to be patentable. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claims 97-101 and 103

Claims 97-101 and 103 depend from independent claim 66. Since claims 97-101 and 103 depend from independent claim 66 and thus incorporate the features recited in corresponding claim and contain additional limitations that, when considered as a whole are patentably distinguishable over the references of record, claims 97-101 and 103 are believed to be patentable. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Also, regarding claim 97, claim 97 in part provides that a biasing element ... is attached to the housing. The action and the cited references are silent as to this feature. As the cited references alone or when combined do not teach or suggest all the claim limitations, a prima facie case of obviousness is not established.

Regarding claim 100, claim 100 as amended recites that the biasing element comprises a resilient arm attached to the movable cover member and the biasing element does not include a spring. The action and the cited references are silent as to this feature. As the cited references alone or when combined do not teach or suggest all the claim limitations, a prima facie case of obviousness is not established.

Claim 102

Claim 102 has been amended to be rewritten as an independent claim and thus incorporates independent claim 66. Claim 102 still provides that the screw member is distal from the moveable cover member with the moveable cover member being in and biased into the first position.

The action on page 3 indicates that "the moveable cover member" is "biased towards the first position (12 and 13 screws the cover into place therefore it is biased into the first position)." Claim 102 however provides that the screw member being distal from the moveable cover member with the moveable cover member being in and biased into the first position.

The action on page 5 indicates that regarding claims 102 and 103, the valve further comprising a screw member (15) threadably connected to the housing and attached to a hand knob (12), the screw member being distal from the moveable cover member with the moveable cover member being in and biased into the first position.

However, if Contreras describes a screw member biasing the cover member towards the first position (12 and 13 screws the cover into place therefore it is biased into the first position, then Contreras does not describe the moveable cover member being in and biased into the first position when the screw member is distal from the movable cover member.

The action indicates that Hershman discloses the use of spring (41) assisted closing devices (40) to cover up a passageway (23) (col. 2, line 20 to col. 3, line 47).

However, Hershman does not describe the moveable cover member being in and biased into the first position when the screw member is distal from the movable cover member. As the cited references alone or when combined do not teach or suggest all the claim limitations, a prima facie case of obviousness is not established.

On page 4, the action also indicates on that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the idea of a spring assisted closing device as disclosed by Hershman in place of the closing device of Contreras in view of Schuler and Dey, to have a closing device that is closed when not in use. However, Contreras does not describe biasing a cover closed when the screw member is distal from the cover. Additionally, Contreras describes a cap 12a loosely mounted on the yoke [see col. 2, lines 4-21].

As such, with Contreras describing the cover being loosely mounted and thus not biased closed when the screw member is distal from the cover, why would one skilled in the art be motivated to have a closing device that is biased closed when not in use or when the screw member is distal from the cover (i.e., modify Contreras with Hershman). Thus, the cited references or the combination thereof do not teach or suggest the claimed invention and one skilled in the art would not modify or be motivated to modify the cited references to arrive at the claimed invention. For at least these reasons, claim 102 is not obvious over the cited references. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion


In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, reconsideration of the application and allowance of the claims are respectfully requested. Although the present paper may include a combination of alterations to the application or claims, or

characterizations of claim scope or referenced art, Applicants are not conceding that previously pending claims in this application are not patentable over the cited references. Rather, any alterations and/or characterizations are made to strictly facilitate prosecution of this application. As such, reviewers of this or any parent, child, or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Applicants have submitted amendments and arguments believed to be sufficient to overcome all of the outstanding rejections. Consequently, Applicants have not advanced every argument for the allowability of the claims over the references of record. As such, Applicants do not acquiesce to any of the Examiner's statements or characterizations not specifically traversed. If the Examiner should have any remaining questions or objections, a telephone interview to discuss and resolve these issues is respectfully requested.

Respectfully submitted,

KAUTH, POMEROY, PECK & BAILEY LLP

By 
Patrick Y. Ikehara
Registration No. 42,681
949.852.0000

PYI/r
5940